

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al., : CIVIL ACTION
Plaintiffs :
v. :
GOVERNOR MARK S. SCHWEIKER, et al.,:
Defendants : NO. 02-2949

ORDER

AND NOW, this day of , 2003, it is ORDERED that
Plaintiff Wheeler's Motion for Emergency Relief (document 106) is DENIED.

BY THE COURT:

TIMOTHY J. SAVAGE, J.

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Plaintiffs :
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**DEFENDANTS' RESPONSE TO PLAINTIFF WHEELER'S
MOTION FOR EMERGENCY RELIEF**

After the Court denied Plaintiffs' joint Motion for Emergency Relief by Order dated October 14, 2003, Plaintiff Wheeler filed a similar Motion for Emergency Relief on his own (docketed at document no. 106). In it, he claims that he had the right to have the Department of Corrections accept his version of a power of attorney regarding receipt of mail. However, the Court's Order of October 14 rejects this claim. The Court should continue to reject it and should deny Wheeler's Motion, as well as any further motions of the same ilk filed by any of the plaintiffs.

D. MICHAEL FISHER
ATTORNEY GENERAL

BY: s/ John O. J. Shellenberger
John O.J. Shellenberger
Chief Deputy Attorney General
Identification No. 09714

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CERTIFICATE OF SERVICE

I, John O. J. Shellenberger, hereby certify that the Defendants' Response to Plaintiff Wheeler's Motion for Emergency Relief has been filed electronically and is available for viewing and downloading from the ECF system. I further certify that true and correct copies of the Defendants' Response to Plaintiff Wheeler's Motion for Emergency Relief were mailed on October 31, 2003 by first class mail, postage prepaid, to:

Derrick Dale Fontroy, AY-7513;
Theodore B. Savage, CB-2674;
Aaron Christopher Wheeler, BZ-2590
James S. Pavlichko, DK-0199
State Correctional Institution
at Graterford
P.O. Box 244
Graterford, PA 19426-0244

D. MICHAEL FISHER
ATTORNEY GENERAL

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